REMARKS

Claims 1, 2, 4-10, 12-28, 30-36, 38-49 and 51-56 are currently pending in the present application. Claims 12, 38, 55 and 56 have been allowed. The remaining claims stand rejected. In this regard, Claims 27, 28, 30-36, 39-49 and 51-54 have been rejected under 35 USC § 101 for being comprised solely of software without any associated computer hardware. Independent Claims 27, 43, 51 and 53 have been amended to recite that the computer program product is "stored in a computer-readable medium". As such, Applicants submit that independent Claims 27, 43 , 51 and 53, as well as their corresponding dependent claims, are directed to statutory subject matter such that the rejection of Claims 27, 28, 30-36, 39-49 and 51-54 under 35 USC § 101 is therefore overcome.

The Official Action also rejected Claims 1, 2, 4-10, 13-28, 30-36, 39-49 and 51-56 under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,864,868 to David C. Contois in view of U.S. Patent No. 6,529,920 to Barry M. Arons et al. and in further view of U.S. Patent No. 6,505,171 to Robert H. Cohen et al. As described below in detail, amended independent Claims 1, 17, 25, 27, 43, 51 and 53 are patentably distinct from the cited references, taken either individually or in combination. As a result of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration of the present application and allowance of the pending set of claims.

As now recited, amended independent Claim 1 recites a method executed in a computer system for selecting a multimedia presentation that includes: (i) providing a plurality of multimedia presentations in accordance with predetermined criteria, (ii) providing one or more multimedia data items with each of the multimedia data items being a duplicate of a portion of a corresponding one of the plurality of multimedia presentations, (iii) presenting one or more multimedia data items using a browser with the multimedia data items being presented separately from the plurality of multimedia presentations, (iv) controlling the direction and speed of the presentation of the multimedia data items, (v) selecting a first one of the multimedia data items and (vi) transferring control to machine executable code associated with a first one of the multimedia presentations corresponding to the first multimedia data item for display of the first multimedia presentation. As now recited, the first multimedia presentation includes additional

portions that differ from and do not include the portion duplicated by the first multimedia data item.

The Contois '868 patent is directed to a system and method for controlling a media playing device in which a user interacts with various data fields that are displayed on a computer screen to choose music or video selections from a media database. The computer screen also displays various media playback buttons to allow the user to control the playback of the music or video selections. In instances in which a user selects a particular item from one of the data fields, the remaining data fields are configured so as to display only the items found in the music database that are directly related to the selected item. For example, selecting the music category "classical" from the listed items in the "categories" data field results in only data items relating to classical music being displayed. As described by the Contois '868 patent, a user therefore makes an interactive selection of one or more of the displayed items in a data field so as to result in the automatic display of related items in the other data fields. The user can thereafter further select data items from the resultant listing of data items to achieve an even more refined listing of available data items. Once a user finally finds, through the interactive process, the music or video selection it wishes to access, the user may start playing that selection.

As noted by the Official Action, the Contois '868 patent does not discuss controlling the speed of presentation of the data item and the Official Action therefore cites the Arons '920 patent for its disclosure relating to playback speed control. At the outset, Applicant submits that the Arons '920 patent cannot possibly be combined with the Contois '868 patent in an attempt to obviate the claimed invention since the requisite motivation or suggestion to make the proposed modification is lacking. In this regard, independent Claim 1 recites the control of the speed of presentation of the multimedia data items. In this Contois '868 patent, the listings under each different heading are suggested by the Official Action to be the multimedia data items. These listings are generally presented in a static manner with no speed associated therewith. A user may scroll up or down to display additional listings, but the resulting presentation of the multimedia data items is static with no speed associated therewith. As such, there would be no motivation or suggestion to combine the Arons '920 patent and, in particular, the playback speed control described by the Arons '920 patent with the Contois '868 patent since there is no need for

the control of speed in association with the presentation of the listed choices in the Contois '868 patent.

The Official Action continues by correctly noting that neither the Contois '868 patent nor the Arons '920 patent teaches or suggests "one or more multimedia data items being a duplicate of a portion of a corresponding one of the plurality of multimedia presentations", as recited by independent Claim 1. As such, the Official Action cites the Cohen '171 patent for its alleged disclosure of this feature. The Cohen '171 patent describes a system and method for facilitating online purchases utilizing pre-paid cards. In operation, a shopper would submit an order by selecting an item from a merchant's display and would then be presented with one or more additional web pages designed to collect the information necessary to pay for the order utilizing the pre-paid card. As described by the Cohen '171 patent, any advertising that would generally appear in the merchant's display would therefore be disadvantageously absent from these additional web pages that are utilized to collect the payment information. According to the Cohen '171 patent, during the process of collecting payment information, the system is designed to display a web page to the customer that is substantially duplicative of the merchant's display from which the customer previously made his or her selection, thereby advantageously including the advertising. As will be recognized by comparing Figures 7 and 8, the display presented during the collection of payment information may include a query window soliciting the necessary information to identify the pre-paid card to which the order should be charged while continuing to display at least a portion of the merchant's window including any advertising that is incorporated in the merchant's display.

In considering the application of the Cohen '868 patent to the claimed invention consideration must first be given as to whether the original merchant's window from which the customer makes a selection is to be considered to correspond to a multimedia data item, with the substantially duplicate window that is subsequently displayed being considered the corresponding multimedia presentation, or vice versa. The method of the claimed invention recites the selection of a first multimedia data item that then transfers control to machine executable codes that causes the first multimedia presentation to be displayed. It would, therefore, only be logical that Cohen's initial merchant's window be considered to be the

multimedia data item, with the subsequent duplicate display that is presented to collect the payment information in response to the selection of an item in the initial merchant's window being considered as the multimedia presentation. In contrast to the claimed invention in which the multimedia data items are discrete portions, such as frames, of a multimedia presentation that are utilized for indexing purposes, both the original merchant's display and the subsequent display are intended by the Cohen '171 patent to be substantially duplicative of one another with the possible addition of a query box in the second window. In this regard, the displays are intended to be substantially duplicative such that the advertising and other product displays presented by the initial merchant's window remains in front of the customer during the ordering process.

In order to further highlight this distinction, independent Claim 1 has been amended to recite that the selection of a first multimedia data item transfers control to machine executable code associated with a first multimedia presentation corresponding to the first multimedia data item "for display of the first multimedia presentation including additional portions that differ from and do not include the portion duplicated by the first multimedia data item." As described by the present application, for example, if the first multimedia data item is one slide of a multi slide presentation, the resulting multimedia presentation that is displayed in response to the selection of the first multimedia data item would be the entire slide presentation (or at least that portion of the slide presentation beginning with the first multimedia data item) with only one of the slides being the slide that serves as a first multimedia data item and the remainder of the slides being different therefrom. Thus, in contrast to the Cohen '171 patent in which both the initial and subsequent windows are substantial duplicates of one another, the multimedia presentation that is displayed in response to the selection of the first multimedia data item is now defined by amended independent Claim 1 to include "additional portions that differ from and do not include" the first multimedia data item. Thus, even if the references were to be combined, Applicants submit that the combination of the cited references does not teach or suggest the method of amended independent Claim 1 or any other claims that depend therefrom.

The other independent claims have been amended in a comparable manner and are therefore patentably distinct from the combination of references for at least the same reasons as

described above in conjunction with independent Claim 1. In this regard, independent Claim 27 has been amended in the same manner as independent Claim 1 to recite that control is transferred to machine executable code in response to selection of a first multimedia data item for display of a first multimedia presentation that includes "additional portions that differ from and do not include the portion that is duplicated by the first multimedia data item." Similarly, independent Claims 17 and 43 have been amended to recite that a software program is invoked in response to selecting a first multimedia data item for presenting the corresponding multimedia presentation including additional portions that differ from and do not include the portion duplicated by the first multimedia data item. Finally, independent Claims 25, 51 and 53 have been amended to recite that the multimedia data items are a "duplicate of only a portion of a corresponding one of the plurality of multimedia presentations, wherein each corresponding multimedia presentation includes additional portions that differ from and do not include the portion duplicated by said each of said one or more multimedia data items." For each of the reasons described above in conjunction with independent Claim 1, independent Claims 17, 25, 27, 43, 51 and 53, as well as the claims that depend therefrom, are also patentably distinct from the cited references, taken either individually or in combination.

Additionally, Applicants submit that the requisite motivation or suggestion necessary to combine the Cohen '171 patent with the Contois '868 patent and the Arons '920 patent is lacking. In this regard, the Contois '868 patent describes an approach for identifying and playing a music or video selection based upon entries in one or more data fields. As noted by the Official Action in recognizing that the listings under each data field are not duplicates of any portion of the resulting music or video selection, the data fields and the associated listings are not elements of the music or video selections themselves. As such, the repeated display of a window that is substantially duplicative of a merchant's window from which a customer made his selection would suggest that the data fields and the associated listings from which a user of the Contois '868 patent made his or her selection would be repeatedly displayed, as opposed to the resulting music and video selection. Since there is no motivation or suggestion to repeatedly display the data fields and the associated listings in the Contois '868 patent, Applicants submit that the Cohen '171 patent cannot properly be combined with the Contois '868 patent.

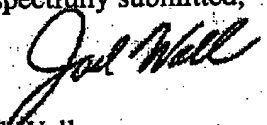
For each of the foregoing reasons, Applicant submit that Claims 1, 2, 4-10, 13-28, 30-36 and 39-49 and 51-54 are patentably distinct from any proper combination of cited references. As such, the rejection of Claims 1, 2, 4-10, 13-28, 30-36, 39-49 and 51-54 is therefore overcome.

CONCLUSION

In view of the amended claims and the remarks presented above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite the examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 07-2347.

Respectfully submitted,



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